

REMARKS

Administrative Overview

Claims 29–66 were withdrawn following Applicants' Response to the First Office Action, filed on November 7, 2007. Applicants cancel without prejudice claims 29–66, reserving the right to pursue any or all of these claims in one or more divisional and/or continuation application(s).

In the Office Action mailed on January 25, 2008, claims 1, 2, 5–13, and 21–27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,892,900 to Ginter et al. ("Ginter"). Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as obvious over Ginter. Claims 14–20 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Ginter in view of U.S. Patent No. 5,765,152 to Erickson ("Erickson").

The Applicants hereby amend claims 1 and 27. Support for the amendments may be found at least in paragraphs [0035] and [0036] of the application as filed, as well as in the originally filed claims.

After entry of this Response, claims 1–28 will be pending. The Applicants respectfully request reconsideration of these claims in light of the arguments presented below and the withdrawal of all rejections.

The Pending Claims are Patentable over Ginter

All of the pending claims in this case were rejected as anticipated by Ginter under 35 U.S.C. § 102(b) or as obvious under 35 U.S.C. § 103(a) over Ginter by itself or in view of Erickson. We respectfully disagree.

A proper rejection for anticipation requires the inherent or express description of each and every element of a claim in a single prior art reference. See MPEP § 2131. Likewise, a prima facie case of obviousness requires a demonstration that the prior art references (when combined) teach or suggest all of the limitations of the claims at issue. See MPEP § 2143.

As described in Applicants' specification, the present invention determines an aggregated license having attributes and attribute values for an aggregated content formed from at least two individual protectable contents. The aggregated license is determined by comparing the licenses for the constituent protectable contents by their attributes, their attribute values, or both. The

comparison process also identifies any incompatibilities that may be associated with the combination of the individual protectable contents. See, e.g. Appl. at [0012], [0028] and [0034]–[0036], and FIGS. 1 and 2.

Accordingly, claim 1, as amended, recites a method that includes “comparing the assigned restriction, use, and interaction values” of a first license associated with a first protectable content “with corresponding attribute values associated with a second license, the second license being associated with a second protectable content.” Then based on that comparison, “detecting whether an event occurred associated with the comparison, wherein the event is at least one of an incompatibility, an error, and a warning.” Then based on that comparison and any identified incompatibilities or errors, “attributes associated with a third protectable content,” are determined, “the third protectable content being at least partly based on a combination of at least some aspects of the first and second protectable content.”

Ginter does not teach or suggest: (1) comparing license attribute values between individual items of protectable content to detect any incompatibility or error associated with the combination of the license values for those individual items, and (2) using that comparison and the results thereof to determine the license attributes for the combination of the individual items of protectable content, as required by claim 1. Instead, Ginter teaches a “chain of control” including information which specifies the rights of a user to modify, add, or delete the content. See Ginter at col. 286, ln. 7–10 and ln. 34–36; col. 287, ln. 24–27. This “chain of control” does not teach or suggest the comparison of license attributes of individual items of content and the detection of any incompatibility or error therebetween to determine the license for the aggregation of those individual items, as required by claim 1.

Ginter also describes embedding a content object in a content container and determining the “chain of control” for the resultant embedded content. Ginter teaches that the determined control information may include the control information of the parent content and the control information for the combined object. See Ginter at col. 322, ln. 55–63; col. 324, ln. 54–59; col. 325, ln. 54–58 and ln. 61–66. However, Ginter does not teach or suggest comparing and detecting any incompatibility or error between the control information for the two items of content, and based on the comparison and the detection, determining the control information for the combined content.

These deficiencies are not cured by Erickson. Erickson is cited merely to show the presentation of license alternatives for a modified content to a user. Accordingly, Erickson does not provide what Ginter lacks with respect to claim 1.

Thus, because none of the references teach or suggest every element of claim 1, we respectfully submit that independent claim 1 and the claims that depend therefrom are patentable over the cited art. Accordingly, we respectfully request reconsideration and withdrawal of all of the outstanding rejections.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we request reconsideration, withdrawal of all rejections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

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